

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

ANDRE OLIVER,)
)
Plaintiff,)
)
v.) No. 1:21-CV-126 SNLJ
)
PEMISCOT COUNTY JAIL, et al.,)
)
Defendants.)

MEMORANDUM AND ORDER

On December 14, 2021, the Court granted Plaintiff Andre Oliver's motion to proceed *in forma pauperis* but directed Plaintiff to file an amended complaint on a court-provided form. ECF No. 5. The Court received Plaintiff's amended complaint for filing on January 11, 2022. ECF No. 6. Plaintiff now requests permission to amend his § 1983 complaint and he explains that he has not been getting any mail. ECF No. 7. As leave to amend should be freely given, the Court will grant Plaintiff's request and give him thirty (30) days to file a second amended complaint. *See* Fed. R. Civ. P. 15. Plaintiff's second amended complaint must be on a court-form, as required by the Local Rules. *See* E.D. Mo. Local Rule 2.06(A). The Court will direct the Clerk of Court to send Plaintiff a blank form complaint so that he may file a second amended complaint.

Furthermore, Plaintiff is advised that the filing of a second amended complaint **completely replaces** the original complaint and the amended complaint, and so it must include all claims Plaintiff wishes to bring. *See In re Wireless Tel. Fed. Cost Recovery Fees Litig.*, 396 F.3d 922, 928 (8th Cir. 2005) (“It is well-established that an amended complaint supercedes an original complaint and renders the original complaint without legal effect”). Any claims from the prior

complaints or any supplements that are not included in the second amended complaint will be deemed abandoned and will not be considered. *Id.*

Finally, due to Plaintiff's *in forma pauperis* status in this matter, Plaintiff is warned that the Court will review the second amended complaint under 28 U.S.C. § 1915 for frivolousness, maliciousness and/or failure to state a claim.

Accordingly,

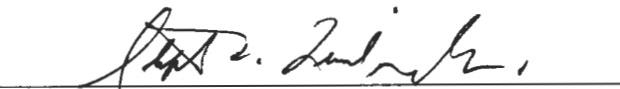
IT IS HEREBY ORDERED that Plaintiff's motion to amend [ECF No. 7] is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk of Court shall mail to Plaintiff a blank Prisoner Civil Rights Complaint form.

IT IS FINALLY ORDERED that, by Wednesday, April 13, 2022, Plaintiff shall file a second amended complaint in this matter on the court-provided form.

Plaintiff's failure to timely comply with this Order could result in the dismissal of this action, without prejudice and without further notice.

Dated this 12th day of March, 2022.



STEPHEN N. LIMBAUGH, JR.
SENIOR UNITED STATES DISTRICT JUDGE